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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/196,064	11/19/1998	HARM J. W. BELT	PHN16.638	8724

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EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Introduction

1. This action is response to amendment filed on 12-09-2006. Claims 1-11 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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3. Claims 1-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 7 and US Patent (US PAT. 6,774,934). Although the conflicting claims are not identical, they are not patentably distinct from each other.

Consider claims, 1, 8 and 10 substantially all the claimed steps in these claims were recited in claims 1, 2 and 7 of the patent identified above, such as the steps of : “ a plurality of audio sources generating a plurality of input audio signals;

a processor comprising a scaling means for weighting the plurality of input signals and deriving a plurality of processed audio signals from the plurality of input audio signals without delay values; and

a combiner that derives a combined audio signal from the plurality of processed audio signals;

controller that causes the processor to maximize a power measure of the combined audio signal, wherein the controller is arranged to limit a combined power gain measure of the processed audio signals to a predetermined value without measuring an energy transfer at each site where one respective audio source of the plurality of audio sources receives the input audio signals” (see US PAT. 6,774,934, claims 1-8, col. 10 line 60- col. 12 line 57).

Because claims 1-11 of US patent application 09/196,064 are similar in scope to claims 1-8 of the US patent (US PAT. 6,774,934) with obvious wording variation, there are both describing an array of electromagnetic transducer assemblies supported by audio processing and controller. Claims 1, 8 and 10 are rejected on the ground of

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nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 7 of U.S. Patent (US PAT. 6,774,934). Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions relates to maximizing the power measure of a combined audio signal and limiting the combined gain of the combined signal. Regarding claims 1,8 and 10, US PAT. 6,774,934 discloses a signal source localization arrangement (claims 1 and 2) and communication arrangement (claim 7), including receivers, which indicates a plurality of audio sources generating input signals, impulse response determining means, which indicates deriving processed audio signals, and further the impulse determining means provides for maximizing the power measure of a combined audio signal and limiting the combined gain of the combined signal, therein as claimed.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Response to Arguments

4. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection and commented on the provisional double patenting rejection in view of a copending application, 09/310,086. A new double patent rejection is being provided in view of US PAT. 6,774,934.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dougherty (US PAT. 5,872,852) is recited to show how other related the audio processing arrangement with multiple sources.

6. Any response to this action should be mailed to:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See
Patent Examiner
US Patent and Trademark Office
Knox
571-272-7501
Date 0-05-2006


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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